

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
(WESTERN DIVISION)

TITAN TIRE CORPORATION OF FREEPORT,

Plaintiff/Counterdefendant,

V.

UNITED STEELWORKERS OF AMERICA,
LOCAL 745L,

Defendant/Counterplaintiff,

CASE NO. 3:08-CV-50072

PLAINTIFF/COUNTERDEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

Titan Tire Corporation of Freeport ("Titan Tire"), moves for summary Judgment, pursuant to Federal Rule of Civil Procedure 56, and Local Rule of the Northern District of Illinois 56.1(a) as follows:

1. On April 23, 2008, Titan Tire filed its Motion to Vacate Arbitration Award.
2. On May 14, 2008, the United Steelworkers of America, Local 745L ("Union") filed its Answer and Counterclaim. Titan Tire answered the Counterclaim May 19, 2008
3. Titan Tire's Motion contests Arbitrator Ellen Alexander's issuance of an Award, dated January 24, 2008, in favor of the Union. (*See* Ex. 3 to Motion to Vacate Arbitration Award.)
4. The undisputed material facts show that the Arbitrator exceeded her authority by modifying the terms of a Benefits Agreement ancillary to the parties' Collective Bargaining Agreement ("CBA").

5. As a result, the Award does not draw its essence from the CBA.

6. Titan Tire hereby incorporates in its entirety its Statement of Undisputed Facts and its Memorandum of Law in Support of Motion for Summary Judgment.

WHEREFORE, Titan Tire Corporation of Freeport requests that the Court grant its Motion for Summary Judgment, and enter an Order vacating the January 24, 2008, award of Arbitrator Ellen Alexander as improperly modifying the terms of a Benefits Agreement ancillary to the parties' Collective Bargaining Agreement.

Respectfully submitted,

TITAN TIRE CORPORATION OF FREEPORT,
Plaintiff/Counterdefendant

/s/ Michael R. Lied

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CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2008, I electronically filed Plaintiff/Counterdefendant's Motion for Summary Judgment with the Clerk of Court using the CM/ECF system which will send notification of such filings to the following:

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